

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

2006 MAY 16 P 4: 46

AUTO-OWNERS INSURANCE
COMPANY, a mutual insurance
company incorporated in the
State of Michigan,

Plaintiff,

v.

SUNSHINE CAMPING CENTER,
INC., a corporation; UNION
PLANTERS BANK, N.A., and/or
UNION PLANTERS BANK, N.A. n/k/a
REGIONS BANK, N.A.,

Defendants.

CIVIL ACTION NO.: 1:05-cv-1024-MHT

**MOTION FOR DELAY OF PRETRIAL HEARING OR, ALTERNATIVELY, TO EXTEND
DATE FOR FILING OF DISPOSITIVE MOTIONS OR, ALTERNATIVELY, THE TIME
TO FILE BRIEFS, EVIDENTIARY SUBMISSIONS OR SUPPLEMENTS IN SUPPORT
OF DISPOSITIVE MOTIONS**

COMES NOW Plaintiff, Auto-Owners Insurance Company (Auto-Owners) and moves this Honorable Court for an order delaying the pretrial until September 20, 2006, or extending the date and deadline for the filing of dispositive motions to June 22, 2006, or alternatively, to extend the date for the filing of briefs, evidentiary submissions or supplements in support of dispositive motions and for grounds shows unto the Court as follows, to wit:

1. That this action is a declaratory judgment action regarding insurance coverage issues arising out of underlying actions pending in the Circuit Court for Dale County, Alabama.

2. That an order and judgment following a jury trial was entered in the

underlying action styled Union Planters Bank, N.A. v. Sunshine Camping Center, Inc., Civil Action No.: CV-04-251-M.

3. That arrangements have been made by counsel for Plaintiff for the transcription of the proceedings in the underlying action, CV-04-251-M, but the completed transcript is not yet available for submission; therefore, counsel for Plaintiff will be unable to file a fully supported dispositive motion by May 21, 2006.

4. That the deadline for filing dispositive motions in this action is presently scheduled for May 21, 2006 (i.e. 90 days prior to the August 21, 2006, scheduled pretrial hearing appears to actually be May 23, 2006).

5. Because this case is not set for trial until October 2, 2006, a delay of the pretrial hearing until on or about September 20, 2006, or an extension of the deadline for filing dispositive motions until June 22, 2006 might better enable Plaintiff to present a fully supported dispositive motion. The requested action would be in keeping with the Court's practice that dispositive motions be filed at least 90 days prior to pretrial without a delay of the trial.

6. For the foregoing reasons, Plaintiff requests this Honorable Court to delay the pretrial in this case until on or after September 20, 2006, or to extend the date for filing of dispositive motions until June 22, 2006 or alternatively, to extend the date for the filing of briefs, evidentiary submissions or supplements in support of dispositive motions until on or after June 22, 2006 so that this matter may be more fully briefed and presented to the Court.

7. That counsel for Plaintiff has contacted counsel for Defendants and understands that counsel for Defendants do not have an objection to the granting of this

motion.

8. That the granting of this motion is not expected to delay the trial of this action.

WHEREFORE, Plaintiff, Auto-Owners Insurance Company (Auto-Owners), moves this Honorable Court for an order delaying the pretrial until September 20, 2006, or an order extending the date and deadline for the filing of dispositive motions to June 22, 2006 or, alternatively, to extend the date for the filing of briefs, evidentiary submissions or supplements in support of dispositive motions to June 22, 2006.

Dated this the 16th day of May, 2006.



ROGER S. MORROW, MOR032



JOEL H. PEARSON, PEA019
Attorneys for Plaintiff, Auto-owners
Insurance Company

OF COUNSEL:

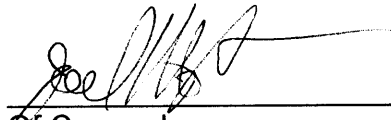
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon the following by placing a copy of same in the United States mail, first class postage prepaid on this the 16th day of May, 2006.

Hon. Robert H. Brogden
P.O. Drawer 1007
Ozark, Alabama 36361-1007

Honorable John G. Smith
Balch & Bingham
P.O. Box 78
2 Dexter Avenue
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Of Counsel